

## VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: \_\_\_\_\_ FILING DATE: \_\_\_\_\_

FILING FEE: \$ \_\_\_\_\_ FEE PLUS \$ \_\_\_\_\_ PER ADDITIONAL VARIANCE (@ \_\_\_\_\_) = \$ \_\_\_\_\_

### PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Weston Rogers (STAFF NAME) DATE: May 18, 2023

### PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

### APPLICANT INFORMATION

APPLICANT'S NAME: Stephen M. Bell, Jr.

ADDRESS: 141 1st Avenue SE, Carmel, IN 46032

TELEPHONE: 317.697.4013

EMAIL: michaelbelldc@gmail.com

PROPERTY OWNER'S NAME: Stephen M. Bell, Jr.

ADDRESS: 141 1st Avenue SE, Carmel, IN 46032

TELEPHONE: 317.697.4013

EMAIL: michaelbelldc@gmail.com

REPRESENTATIVE'S NAME: Andrew Wert

COMPANY: Church Church Hittle + Antrim

ADDRESS: 116 North Union Street, Westfield, IN 46074

TELEPHONE: 317.776.5262

EMAIL: awert@cchalaw.com

### PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: east side of Freemont Moore Road, 1/4 mile south of East 206th Street

COUNTY PARCEL ID #(S): 08-05-21-00-00-008.000

EXISTING ZONING DISTRICT(S): AG-SF1 EXISTING LAND USE(S): Agricultural

### PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: \_\_\_\_\_

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: UDO Chapter 4.2.D.

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): \_\_\_\_\_

Owner wishes to create a second buildable tract on this 10+ acre parcel. Reduction of the frontage standard from 250 feet to 50 feet for one of the lots is being sought. The parcel division would follow the minor plat approval process with right-of-way dedication.



Westfield Community Development  
2728 E. 171st Street | Westfield, IN 46074  
317.804.3170 | nwoerner@westfield.in.gov

### APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

[Signature]  
Applicant/Representative (signature)

Andrew Worf  
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 18<sup>th</sup> day of May, 2023  
State of Indiana, County of Hamilton, SS: \_\_\_\_\_

[Signature]  
Notary Public (signature)

Joan E. Guilkey  
Notary Public (printed)



JOAN E. GUILKEY  
MY COMMISSION EXPIRES: 2-19-2024  
MY COMMISSION NUMBER IS: 678833  
MY COUNTY OF RESIDENCE IS: HAMILTON

### PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

[Signature]  
Property Owner (signature)\*

STEPHEN M. BELL JR  
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 17<sup>th</sup> day of May, 2023  
State of Indiana, County of Hamilton, SS: \_\_\_\_\_

[Signature]  
Notary Public (signature)

Adam P Ruberry  
Notary Public (printed)

Adam P Ruberry  
Notary Public - Seal  
State of Indiana  
Hamilton County  
My Commission Expires 11/24/2023  
Commission No. NP0730154

\*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**

**APPLICANT:** Stephen M. Bell, Jr. **DOCKET #:** \_\_\_\_\_

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: the proposed reduction in road frontage requirement would allow the property to be used in a manner that is similar to other large-lot residential land uses in the vicinity of the subject property. This proposal will not be injurious to the public health, safety, morals, or general welfare of the community as a result.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: the proposed reduction in road frontage requirement would allow the property to be used in a manner that is similar to other large-lot residential land uses in the vicinity of the subject property. This proposal will not adversely affect adjacent land uses and values as a result.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: the subject 10.83 +/- acre parcel is narrow and deep. For the owner to build a new home and create an additional buildable parcel for a family member's new home, in a manner that is compatible with other large-lot residential homes in the vicinity, this proposed variance is being sought. This will allow one home to be built toward the back of the acreage and the other home to be built closer to Freemont Moore Road.